

EPA Report for August 28-30, 2012 RTOC

Communities and Ecosystems Division

Tribal Program Office

ANNUAL CONFERENCE: The Tribal/EPA 20th Annual Conference

- San Francisco, CA @ Intercontinental Hotel, November 27 – 29, 2012
- Website: <http://www.region9tribal-epaconference.com>
- 2012 Conference Registration deadlines
 - \$150 before September 1
 - \$175 between September 1 – September 30
 - \$200 between September 31 – October 31
 - \$225 October 1 – October 5
- Connor Awards, Youth Poster Contest deadlines
 - September 30
- Hotel Registration
 - \$155 government rate before November 7, with block code: TEP
 - Call (866) 781-2364 or visit:

<http://www.ichotelsgroup.com/intercontinental/en/gb/dates-references/SFOHB?groupCode=TEP>

STAFF UPDATE: Mariela Lopez has joined the Tribal Program Office on August 13. Mariela started her career at the EPA 10 years ago as an intern in CED's Pacific Islands Office. She worked with Islands for four years before transferring to the CED Toxics Office, where she served as a TRI Enforcement Officer for a subsequent four years, conducting inspections at industrial facilities, managing enforcement cases, and leading the annual TRI public data release effort. In August of 2010, Mariela transferred to the Water Division's Tribal Office, where she managed grants for tribes in Arizona, and served as the regional coordinator for the Clean Water Act Indian Set-Aside Infrastructure Program, an \$81 Million program. Mariela received her master's degree in Public Health from SFSU in May of 2011.

CONSULTATION: EPA's Office of Policy has extended the Consultation period for the Draft EPA Climate Change Adaptation Plan. The review period for this Tribal Consultation has been extended two weeks, to 11:59PM EDT, August 31, 2012. <http://www.epa.gov/osem/ccaplan/>.

GUIDEBOOK: On October 4, 2012 the final Guidebook for Building Tribal Environmental Capacity will be released to Tribes for a 90 day review period, ending on January 4, 2013.

Pesticides Office

RTOC ACTION ITEM: The Region 9 Pesticides Office clarified with Office of General Counsel and Office of Enforcement and Compliance Assurance that EPA can investigate and take enforcement action against applicators for Federal misuse of a general use or restricted use pesticide now and after the national federal C & T Plan is adopted. We will work with these offices to address additional questions regarding pesticide enforcement as needed.

Air Division

AIR QUALITY STANDARDS: Ozone National Ambient Air Quality Standard (NAAQS)

EPA finalized the designation process for the 2008 ozone standard, 0.075 ppm, on May 9, 2012. Region 9 has done outreach and consultation with tribes throughout the designation process, and notified Tribes by letter regarding their attainment or nonattainment status in mid May. Contact Maeve Foley, foley.maeve@epa.gov or 415-947-4105 <http://www.epa.gov/region9/air/ozone/>

NEW RULE: Tribal New Source Review (NSR) Rule

The Tribal NSR Rule became effective in August 2011. The Tribal NSR rule creates pre construction air permitting programs for new minor sources and modifications in Indian country, and for new major sources and modifications in Indian country in nonattainment areas. EPA will continue to regulate major sources and modifications on Tribal Land in attainment areas under the Prevention of Significant Deterioration (PSD) Program. Existing minor sources were required to register by March 1, 2013. Large sources are now required to submit a permit application prior to construction or modification (the same is true everywhere else). Sources that want to establish synthetic minor status have until **September 4, 2012** to submit an application for a site-specific permit. A copy of the final rule and a fact sheet are posted on the EPA's web page at <http://www.epa.gov/NSR/actions.html#jun11>. For more information, send an email request to R9TribalAirpermits@epa.gov or contact Roberto Gutierrez, 415-947-4276.

FUNDING: Tribal Air Funding

31 tribes will receive FY13 Clean Air Act (CAA) funding, for a total of just over \$3 million. These grants start on October 1, 2012. Contact Roy Ford, ford.roy@epa.gov or 415-972-3997.

TRAINING: Upcoming Institute for Tribal Environmental Professionals (ITEP) Training

- Sept 11-13 "Data Analysis & Interpretation," Temecula, CA
- Oct 10-12 "Dataloggers," Las Vegas, NV
- Oct 16-19 "Introduction to Tribal Air Quality," Flagstaff, AZ
- Dec 4-7 "Tribal Participation in the SIP Process," Flagstaff, AZ

http://www4.nau.edu/itep/air/training_aq.asp

EPA ACTION: Reid-Gardner Generating Station

On August 13, 2012 EPA took final action to approve partially and disapprove partially Nevada's "Best Available Retrofit Technology" determination to control NO_x emissions at Reid Gardner Generating Station Units 1, 2 and 3. This is the remaining portion of Nevada's Regional Haze State Implementation Plan. For more information:

<http://intranet.epa.gov/testreg9/air/actions/nv.html#reid>

EPA ACTION: Four Corners Power Plant

Four Corners Power Plant - On August 6, 2012 EPA required Four Corners Power Plant (FCPP), located in the Navajo Nation, to reduce emissions of oxides of nitrogen (NO_x) and setting emission limits for particulate matter (PM) based on emission rates already achieved at FCPP. These pollutants contribute to visibility impairment in numerous national parks and wilderness areas surrounding FCPP. For more info:

<http://intranet.epa.gov/testreg9/air/navajo/>

Waste Management Division

TRAINING: Looking for Tribes to host future solid waste trainings in FY13

The EPA Region 9 Tribal Solid Waste (TSW) Team will work with a contractor to conduct 2-3 FREE trainings in the topic areas included below. If your tribe is interested in hosting a workshop, please contact the TSW Team. Potential topic areas include:

- How to Write an Integrated Solid Waste Management Plan
- How to Develop Recycling Strategies for Tribes
- How to Develop Source Reduction Strategies for Tribes
- Developing Tribal Solid Waste, Recycling Codes and Ordinances
- How to Develop and Operate a Tribal Transfer Station
- Developing a Tribal Zero Waste Program

Respond to the TSW Team by September 30, 2012 to host a workshop in FY13.

Contact Nancy Sockabasin, sockabasin.nancy@epa.gov or (415) 972-3772

CONSULTATION & COORDINATION: Draft Environmental Protection Agency-Wide Plan to Provide Solid Waste Management Capacity Assistance to Tribes

EPA's Office of Resource Conservation and Recovery (ORCR) is initiating consultation and coordination with federally-recognized tribes on the draft document entitled: *The Environmental Protection Agency-Wide Plan to Provide Solid Waste Management Capacity Assistance to Tribes* (the Plan). Prior to formal consultation, EPA has gained input from tribal partners, and will continue to do so. The consultation and coordination process will be conducted in accordance with the "EPA Policy on Consultation and Coordination with Indian Tribes". ORCR invites you and/or your designated consultation representative(s) to participate in the process. ORCR expects the consultation and coordination period to extend from July 23, 2012 through September 24, 2012. During this period, ORCR will be conducting a national webinar to discuss the draft Plan. To participate, we invite you or your designee to join us during the **National Webinar**: September 12, 2012 from 2:00 – 3:30 Eastern Standard Time [Register Now](#)

Water Division

PUBLIC COMMENTS: Strategic Plan Measure SP-14b Public Comment Period

The purpose of the measure is to demonstrate progress and success in protecting and maintaining quality waters at monitoring stations in Indian country. EPA introduced measure SP14b in the Fiscal Year 2012 National Water Program Guidance in response to tribal requests for EPA to adopt a measure that shows where tribes have success in protecting and maintaining quality waters in Indian country, as supported under Clean Water Act (CWA) Sections 106 and 319 grant funding. **Public comment period for this Measure closes on Friday, September 14, 2012.** If you have any questions, concerns, suggestions or comments, please send those to the EPA Headquarters SP-14b Contact: Laura S. Johnson (johnson.Laura-S@epa.gov) or 202-566-1273.

FUNDING: Drinking Water Tribal Set-Aside Solicitation

- Solicitation will be issued at the end of August, 2012
- Based on tribal consultation, major revision has been made in Ranking Criteria: lower ranking of proposals that solely address water supply deficiencies, higher ranking of proposals that address exceedance of drinking water standards
- Project proposals due November 2, 2012.

Management and Technical Services Division

NEW PROCUREMENT REQUIREMENT: Negotiation of Tribal “Fair Share Objectives”

As of May 28, 2011, Indian Tribal Government recipients are required to negotiate fair share objectives for use of certified MBEs & WBEs in their EPA-funded procurements.

EPA’s Disadvantaged Business Enterprise (DBE) Rule, which became effective May 27, 2008, requires Tribal recipients to negotiate “fair share objectives” for use of certified Minority Business Enterprise (MBE) & Women’s Business Enterprise (WBE) in their EPA-funded procurements. A three-year phased-in period provided to Tribes under the DBE Rule ended on May 28, 2011. Information regarding this rule can be found at the following web site:

<http://www.epa.gov/osbp/grants.htm>

What is a Fair Share Objective?

It is a goal based on the capacity and availability of qualified, certified MBEs and WBEs in the relevant geographic market for the grant recipient in the procurement categories of construction, equipment, services, and supplies, compared to the number of all qualified entities in the same market for the same procurement categories. It is not a quota.

Which Tribal recipients must comply ... and when?

Tribes awarded more than \$250K in EPA financial assistance in a given fiscal year [excluding Performance Partnership Grants (PPGs), PPG eligible program grants, and Technical Assistance Grants (TAGs)] must comply with the fair share objective requirements and negotiate goals within 120 days of acceptance of a financial assistance award. Fair share objectives must be agreed upon by the recipient and EPA before funds may be expended for procurement under the recipient’s financial assistance agreement.

Fair Share Negotiations Process:

A tribe may use the MBE /WBE fair share objectives of another EPA grant recipient, such as a state agency, if they solicit bids/offers from substantially the same relevant geographic buying market, purchasing the same or similar items. Tribes who choose to adopt the fair share objectives of another recipient must notify Region 9’s DBE Coordinator, letting EPA know which recipient’s goals you wish to adopt. If a tribe chooses not to adopt another grant recipient’s negotiated MBE/WBE objectives, it must submit its proposed MBE/WBE fair share objectives and supporting documentation to Region 9’s DBE Coordinator within 120 days of acceptance of a financial assistance award. Once negotiated, fair share objectives generally remain in place for three years. Region 9 DBE Coordinator Tiffanie Pang can be reached by Phone: (415) 972-3697, Fax: (415) 947-3556, or email: pang.tiffanie@epa.gov.

